

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Barry Harris,

Plaintiff(s),

vs.

The State of Nevada,

Defendant(s).

2:24-cv-01496-GMN-MDC

**ORDER DENYING IFP AS MOOT AND
DIRECTING CLERK OF COURT TO FILE
IN CRIMINAL CASE**

Pending before the Court is plaintiff's *Motion/Application for Leave to Proceed In Forma Pauperis* ("IFP") (ECF No. 4). However, the District Judge ordered the Clerk of Court to administratively close this case and open and file plaintiff's filings in a new criminal matter. *See* ECF No. 3. Therefore, plaintiff's IFP application and all future filings should be filed in his criminal case (2:24-cr-00214-JCM-NJK-1). However, given that the Order (ECF No. 3) was not entered until September 24, 2024 – the same day as plaintiff's filing – the Court will presume that plaintiff did not receive the Order until after he had sent in his IFP application.

ACCORDINGLY,

IT IS ORDERED that:

1. The IFP application (ECF No. 4) is **DENIED AS MOOT**.
2. The Clerk of Court is kindly directed to file this IFP application (ECF No. 4) in plaintiff's criminal case (2:24-cr-00214-JCM-NJK-1).
3. Plaintiff must file all future documents in this matter under the case number: 2:24-cr-00214-JCM-NJK-1.
4. The case will remain administratively closed.

DATED this 26th day of September 2024.

IT IS SO ORDERED.



Hon. Maximiliano D. Couvillier III
United States Magistrate Judge

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may result in dismissal of the action.